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Date: April 7, 2005

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(Including Cover)

To:	Commissioner for Patents
Re:	Appln Serial No. 09/943,883
Dept./Co.:	Mail Stop Issue Fee
Fax:	703-872-9306
Phone:	
From:	Jeffrey A. Proehl, Reg. No. 35,987
Ref:	Atty Docket No. P1775US00
Fax:	605-232-2612
Phone:	605-232-1967

## MESSAGE:

Transmitted herewith, please find:

Petition to Withdraw Holding of Abandonment; Exhibit A;  
Exhibit B; Exhibit C; Exhibit D; and Exhibit E

CERTIFICATION UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being transmitted, via facsimile, to the Commissioner of Patents, Washington, D.C., on the date indicated above, and to the proper USPTO facsimile telephone number, shown above.

Name: Lori Boulware

Signature: A handwritten signature in cursive script, appearing to read "Lori Boulware", written over a horizontal line.

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Attorney's Docket No. P1775US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:	GLEN J. ANDERSON	)
Serial No.:	09/943,883	)
Filing Date:	August 31, 2001	)
For:	ELECTRONIC RETAIL	)
	ORDER COMMUNICATION	)
		)
Group Art Unit:	3627	)
Attorney:	Jeffrey A. Proehl	)
Deposit Account No.:	50-0439	)

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

1. I hereby petition to withdraw the holding of abandonment in the above-identified case, on the basis that a proper response to the Office Action forming the basis of the abandonment was timely filed with the United States Patent and Trademark Office (U.S.P.T.O.).

2. I hereby state that a proper response (in the form of an election of species for the above-identified application) was timely filed in the U.S.P.T.O. on June 16, 2004. As proof of the facsimile transmission of the response by counsel and the receipt by the U.S.P.T.O., enclosed are copies of the following documents:

(a) The response to the Office Action of May 27, 2004 (a requirement for an election of species) electing Group I, that is signed and dated June 16, 2004 (as Exhibit "A");

(b) a transmittal form bearing the application number, filing date, name of the first named inventor, art unit, and Examiner's name, that is also signed and dated June 16, 2004 (as Exhibit "B");

(c) Assignee (Gateway's) facsimile cover sheet addressed to the U.S.P.T.O. Examiner for this application and identifying the application by application number, and inventor name. The cover sheet further bears a certificate of facsimile transmission to (703) 872-9306 of the same date as the amendment by Gayle Bekish (as Exhibit "C"). Ms. Bekish is no longer employed by Gateway, Inc.;

(d) the facsimile report generated by the transmitting fax at Gateway bearing the date and time of transmission, a reproduced portion of the cover page of the fax transmission, and which also indicates "TRANSMISSION OK" of aforementioned three pages (as Exhibit "D");


(e) The "Auto-Reply Facsimile Transmission" page generated by Gateway's fax machine in response to the auto-reply system of the U.S.P.T.O., which confirms the receipt by the U.S.P.T.O. of three pages by fax, including the reproduced first page of the received fax, which exactly corresponds to the aforementioned fax cover sheet (as Exhibit "E").

3. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn, the enclosed response be considered as having been timely made, and the amendment considered in the prosecution of this case.

It is not believed that the payment of any fees is necessary for the acceptance of these papers, but in the case that fees are required for the acceptance of this response, the U.S.P.T.O. is authorized to charge Deposit Account No. 50-0439.

Respectfully submitted,

Gateway, Inc.



By \_\_\_\_\_  
Jeffrey A. Proehl (Reg. No. 35,987)  
Gateway, Inc.  
610 Gateway Drive, Y-04  
North Sioux City, SD 57049  
Telephone: (605) 232-1967  
Fax: (605) 232-2612

Date: April 7, 2005